

York filed libels against 955 packages of Sentry-2-Tube at Essex, Vt., 105 tubes of Sentry at Boston, Mass., 285 tubes of Sentry at Philadelphia, Pa., and against the following quantities of Sanitube: 180½ dozen tubes at Boston, Mass., 854 tubes at Philadelphia, Pa., 238 packages and 210 tubes at Newark, N. J., and 4,930 tubes at New York, N. Y., alleging that the articles had been shipped within the period from on or about March 24, 1941, to June 30, 1942, from Newport, R. I., by the Sanitube Company, Inc.

Examination of the Vermont lot showed that the article consisted of a white tube labeled "Syphilis," and a blue tube labeled "Gonorrhea." The white tube contained about 1¼ grams of an ointment containing approximately 1 percent of calomel, together with soap; and the blue tube contained approximately 1¼ grams of an ointment containing about 2⅓ percent of calomel together with boric acid and a soap. Examination of the other lots showed that they contained between 0.89 percent and 1.25 percent of calomel, and that they were short weight.

The article in the Vermont lot was alleged to be misbranded (1) in that the statements in its labeling which represented and suggested that it was effective for gonorrhea and syphilis were false and misleading since it was not effective for such purposes; (2) in that it was in package form and its label failed to bear an accurate statement of the quantity of contents; and (3) in that the label for the blue tube failed to state the quantity or proportion of calomel, a mercury derivative, which was present.

The articles in the other lots were alleged to be misbranded (1) in that the statements in their labelings which represented and suggested that they were venereal disease prophylactics were false and misleading since they were not venereal disease prophylactics; (2) in that statements as to the quantity of contents borne on the labels of the tubes were false and misleading since the tubes were short of the declared weight; and (3) in that their labels failed to bear a statement of the quantity or proportion of calomel, a mercury derivative, which was present.

On November 2, 1942, the Sanitube Company, Inc., claimant, having filed with the United States District Court for the Southern District of New York a motion for the consolidation of the various libel proceedings for trial before that court, an order was entered with the consent of the Government for the consolidation of all the proceedings with the exception of the action in the District of Vermont. On November 12, 1943, the claimant having withdrawn its claims and answers, judgment of condemnation and destruction was entered in the consolidated case. On March 9, 1943, the claim and answer having also been withdrawn in the Vermont case, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS FOR VETERINARY USE

1144. Misbranding of calf meal. U. S. v. Frank E. Moore and L. Virginia Moore (Hilltop Farm Feed Co.). Pleas of guilty. Fine of \$20, which included both defendants. (F. D. C. No. 10588. Sample No. 8741-F.)

On December 13, 1943, the United States attorney for the District of Minnesota filed an information against Frank E. Moore and L. Virginia Moore, individuals trading as copartners under the firm name Hilltop Farm Feed Co., at Minneapolis, Minn., alleging shipment on or about March 9, 1943, from the State of Minnesota into the State of Wisconsin of a quantity of calf meal that was misbranded. The article was labeled in part: "Hilltop Calf Meal For raising calves economically without milk. Prevents scours and keeps them growing rapidly * * * Guaranteed analysis Protein not less than 24%. Fat—not less than 4.5% Fiber not over 5%." Analysis of the article showed that it was a feed composed of wheat, corn, oats, soy bean products and other vegetable matter, dry milk, bone meal, salt, limestone, anise, iron oxide, and oils, containing not more than 20.94 percent of protein and not more than 3.64 percent fat.

The article was alleged to be misbranded in that the statements "For raising calves, prevents scours and keeps them growing rapidly," were false and misleading since they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, or prevention of scours in calves and would keep calves growing rapidly, whereas it would not be efficacious for such purposes.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods, No. 5687.

On December 13, 1943, the defendants having entered pleas of guilty, the court imposed a fine of \$20, which included both defendants.